

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No. .... 10/760,944  
Confirmation No. .... 1275  
Filing Date ..... January 20, 2004  
Applicant ..... Wright, et al.  
Group Art Unit ..... 2617  
Examiner ..... Gary Au  
Attorney's Docket No. .... BEI-0055US  
Title: Wireless Device With Integrated Emergency Alert Notification

**DECLARATION OF PAUL BRENT RIVERS**  
**UNDER 37 C.F.R. § 1.131**

As a below named inventor, I hereby declare that:

1. I am a co-inventor of the subject matter recited in claims 1-6, 8, 10-12, 14-16 and 19-21 pending in the above-captioned application, and have assigned my rights in the instant patent application to Bellsouth Intellectual Property Corporation (Now AT&T Intellectual Property, Inc., by virtue of a corporate name change recorded on April 27, 2007) (Applicant).
2. I contributed to conception of the invention at least as early as September 30, 2003, as evidenced by a supplemental written description of the invention, a redacted copy of which is attached as Exhibit A.
3. On October 1, 2003, I sent Mr. Daniel Miller, initial legal counsel assigned to draft this application, a fax regarding the application including the supplemental written description shown in Exhibit A in redacted form. A redacted copy of the fax cover sheet is attached as Exhibit B.

4. To the best of my knowledge, information, and belief, between October 1, 2003, and November 30, 2003, Mr. Miller worked diligently to prepare a draft patent of the subject patent application.
5. On December 1, 2003, I received an email from Mr. Miller attaching a first draft of the subject application. Mr. Miller's email set a three-week period for our review and comment on the draft application. A redacted copy of the email chain forwarding the draft application and my response is attached as Exhibit C.
6. I reviewed the draft application prepared by Mr. Miller and, on December 3, 2003, I sent Mr. Miller an email approving the draft. A redacted copy of the email chain containing my approval email is attached as Exhibit C.
7. To the best of my knowledge, information, and belief, Mr. Miller worked diligently between December 3, 2003, and January 13, 2004, to finalize the application and prepare declaration and assignment documents for the application.
8. On January 13, 2004, Mr. Miller sent Mr. Wright and myself a final draft of the application, along with declaration and assignment documents for our execution via Federal Express. A redacted copy of the letter forwarding the final draft is attached as Exhibit D.
9. I signed the declaration and assignment documents on January 14, 2004, and returned them to Mr. Miller, as evidenced by the signed declaration that was filed in this application, a copy of which is attached as Exhibit E.

The dates related to conception and other proprietary information listed on the Invention Disclosure document and other exhibits have been redacted, as permitted by MPEP § 715.07(II).

The diligence of an attorney in preparing and filing patent application inures to the benefit of the inventor. MPEP § 2138.06.

All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true. Further, these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statement may jeopardize the validity of the application or any patent issued therefrom.

Full name of inventor: Paul Brent Rivers

Inventor's Signature: Paul Brent Rivers Date: 7-27-07

Residence: Cullman, AL

Post Office Address: 1061 County Road 821, Cullman, AL 35057

Citizenship: United States of America

**DECLARATION OF PAUL BRENT RIVERS**  
**UNDER 37 C.F.R. § 1.131**

Exhibit A

Redacted copy of supplemental written description titled "Weather Alert Radio."

## Weather Alert Radio

Darrick asked me to help with the disclosure and while discussing it we came up with a few additions.

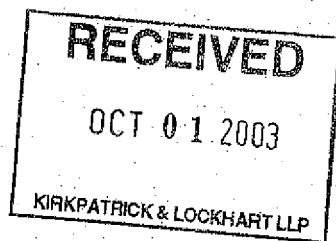
1. The Weather Radio would share the battery power supply and speaker (internal and external jack) with the phone. The radio would tap into the cell phone power supply circuit and have an on/off switch. Having separate batteries would be too cumbersome.
2. Most cell phones now have either a very small antenna or none at all. The phone would need to have a larger antenna for reliable reception. The flexible rubber type would work best. A three inch antenna would greatly improve reception and would not be excessively bulky. Due to the added length of the antenna, it could also be side-mounted.
3. The alarm given in the event of a weather emergency would have the option of being set to vibrate or an audible tone. A flashing LED could also be set to go off if an alert is detected.
4. Since the radio will already have a receiver, an AM/FM radio would also be built in. The radio would have to be digital since there is no room for an analog scale. Either the internal or external speaker jack could be used. Also the keypad numbers would be channel presets. The weather alert function would override the radio function if a signal were detected.
5. The Weather Alert Radio could either use the common NOAA system or utilize the new digital satellite systems such as Weather Alert 2000 (web site below).  
<http://www.weathermatrix.net/merchandise/wa2k.shtml>
6. To make the package smaller, the radio and phone would share the battery, antenna, number pad and screen display, internal speaker and external jack.

Thanks,  
Paul Brent Rivers

**DECLARATION OF PAUL BRENT RIVERS**  
**UNDER 37 C.F.R. § 1.131**

Exhibit B

Redacted copy of October 1, 2003 fax sent from Mr. Rivers to Mr. Miller.



600 N 19<sup>th</sup> Street

October 1, 2003

Attention: Dan Miller

Please attach [REDACTED]

Thank you for your attention to this matter.

FAX page one of four.

Thank you,

Paul Brent Rivers

**DECLARATION OF PAUL BRENT RIVERS**  
**UNDER 37 C.F.R. § 1.131**

Exhibit C

Redacted copy of email chain from Mr. Miller containing first draft of the patent application, and showing approval by Mr. Rivers on December 3, 2003.



**Miller, Daniel**

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**From:** Rivers, Paul [REDACTED]  
**Sent:** Wednesday, December 03, 2003 9:06 AM  
**To:** 'daniel.miller@kl.com'  
**Cc:** Wright, Darrick  
**Subject:** RE: BellSouth File [REDACTED] Cell Phone with Built In Weather Alert Radio

Daniel,

I have reviewed the draft and figures and everything looks great.

Paul Rivers

-----Original Message-----

**From:** Wright, Darrick  
**Sent:** Tuesday, December 02, 2003 7:05 AM  
**To:** Rivers, Paul  
**Subject:** FW: BellSouth File [REDACTED] Cell Phone with Built In Weather Alert Radio

-----Original Message-----

**From:** Miller, Daniel [mailto:daniel.miller@kl.com]  
**Sent:** Monday, December 01, 2003 4:06 PM  
**To:** Wright, Darrick  
**Cc:** Rivers, Paul; Smith, Kimberly A  
**Subject:** BellSouth File [REDACTED] Cell Phone with Built In Weather Alert Radio

December 1, 2003

VIA E-MAIL

**FIRST DRAFT**

Mr. Darrick Wright  
BST / Interconnect CWINS

[REDACTED]

**Disclosure Title:** CELL PHONE WITH BUILT IN WEATHER ALERT RADIO  
**Inventors:** Darrick Wright, Paul B. Rivers  
**Jurisdiction:** United States  
**BellSouth File:** [REDACTED] **Our File:** [REDACTED]

12/03/2003

**Action Required: Please review the first draft application by December 22, 2003 and provide comments. Detailed instructions for your review of the draft are provided below.**

Dear Mr. Wright:

Enclosed is a first draft of a patent application directed to the above-identified invention for your review. The draft is based in part on our discussions of [REDACTED]. This is a draft, so feel free to make additions, deletions, substitutions, and the like. Please provide your consolidated comments to [REDACTED].

As you know, it is essential that the patent application, as filed, be technically accurate and complete; and that it set forth the best mode of carrying out the invention, because new matter may not be added to the descriptive portion after filing. The patent application's description must also be sufficient to enable a person of ordinary skill in the technical art to make and use the invention. We therefore ask that you carefully review the draft for technical accuracy and completeness, and advise us of any suggested changes or corrections. Your changes and suggestions will be carefully considered in the preparation of the final draft. **Action Required: Please review draft for technical accuracy and completeness as described above.**

We also request that you review the claims of the application. The claims are the numbered paragraphs at the end of the application that define the scope of protection that is being sought for the invention. **Action Required: Please review the claims and confirm that the claims properly define the invention.**

When you review the claims, please confirm that the proper inventors have been identified for the claimed invention(s). As you may be aware, inventorship is determined by the subject matter of the claimed invention. Generally stated, to be an inventor one must have made an actual contribution to the conception of the operative invention that is claimed. There may be joint inventorship even though the joint inventors (a) did not work physically together or at the same time, (b) did not make an equal contribution, or (c) did not make a contribution to the subject matter of every claim of the patent. A worker who merely carries out the instructions of another or only provides implementing devices to carry out another's ideas where the effort to do so is the exercise of one of ordinary skill is not typically an inventor. Further, persons listed as contributing to an article describing or related to the invention are not necessarily inventors. Please feel free to call with any questions that you may have on this issue. **Action Required: Please confirm that the proper inventors have been named.**

We would also like to point out that an inventor is required to make a Declaration when the inventor's application is filed in the U.S. Patent and Trademark Office (USPTO), acknowledging a duty to disclose information of which the inventor is aware and which may be considered to be material to the examination of the application. "Material" in this respect is defined as information that a reasonable examiner would likely consider important in deciding whether to issue a patent. "Material" information as defined above may possibly include devices, products, publications, etc. that are similar to the invention and were publicly known before the invention, and it may also include any public disclosure, commercial use, or offer of sale of the invention more than one year prior to the filing date of the application.

If you are aware of any information that you believe might be considered "material", it is important that it be brought to our attention as soon as possible. Late submission of material information requires payment of a fee. Accordingly, we request that you provide us with any material references of which you are aware as soon as conveniently possible. We can then make a determination whether the information should be brought to the attention of the Patent and Trademark Office under the applicable rules. Please also be aware that the duty to disclose "material" information continues throughout pendency of the application, until the

application issues as a patent.

You should also be aware that certain activities either in the United States or foreign countries prior to filing of the application in the United States may have a bearing on the ability to file corresponding applications in foreign countries under the applicable international treaty. These activities could include public disclosure of the invention in either written or oral form, such as published articles, patents, product announcements, and proposals, as well as through commercial exploitation of the invention, including public demonstrations, offers to sell, and sale of products incorporating the invention. If you would like to preserve your right to file corresponding foreign applications on this invention, we recommend that all such activities be avoided until the U.S. application is on file. **Action Required: To preserve foreign patent filing rights, please avoid public disclosure of the invention in either written or oral form, and commercial exploitation of the invention, including public demonstrations, offers to sell, and sale of products incorporating the invention until the U.S. patent application has been filed.**

Once you have had an opportunity to review the draft application, please provide me with your comments. As always, please feel free to call us with any questions that you may have.

Sincerely,

/s/ Daniel R. Miller

DRM:pc  
Enclosure



\*\*\*\*\*

***"The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential, proprietary, and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from all computers.61"***

12/03/2003

**DECLARATION OF PAUL BRENT RIVERS**  
**UNDER 37 C.F.R. § 1.131**

Exhibit D

Redacted copy of January 13, 2004 letter sent by Federal Express which accompanied originals of final draft for execution.

# Kirkpatrick & Lockhart LLP

Henry W. Oliver Building  
535 Smithfield Street  
Pittsburgh, PA 15222-2312  
412.355.6500  
www.kl.com

January 13, 2004

Daniel R. Miller  
412.355.6773  
Fax: 412.355.6501  
Daniel.miller@kl.com

## VIA FEDERAL EXPRESS

Mr. Paul B. Rivers  
BST / Interconnect CWINS  
[REDACTED]  
[REDACTED]

Disclosure Title: WIRELESS DEVICE WITH INTEGRATED EMERGENCY ALERT  
NOTIFICATION  
Inventors: Darrick Wright, Paul B. Rivers  
Jurisdiction: United States  
BellSouth File: [REDACTED] Our File: [REDACTED]

**ACTION REQUIRED:** Please review the enclosed patent application and if the application is complete and accurate, then execute and return the enclosed Declaration and Assignment by January 27, 2004.

Dear Paul:

Thank you for your comments regarding the above-referenced patent application. Enclosed for your review is a final draft of the application that we plan to file in the United States Patent and Trademark Office ("PTO"). Also enclosed for execution are: (1) a Declaration; and (2) an Assignment. Please note that the Assignment should be signed in the presence of a Notary Public. If, in reviewing the final draft, you feel that further revisions are necessary, please contact me before executing the Declaration and Assignment so that I can prepare and forward a revised final draft.

If the application is acceptable, the Declaration at the end of the application must be dated and signed so that the typed name and signature are exactly the same. The Assignment must be dated and signed. We recommend that the Assignment be dated and signed in the presence of a Notary Public. The Assignment transfers ownership of the patent application from the inventor to the company. The inventors are not required to jointly sign a single declaration or assignment. Each inventor may execute the documents separately. **Action Required: Sign Declaration; Sign and Notarize Assignment Document.**

Mr. Paul B. Rivers

January 13, 2004

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So that you might prepare for the next step in the patent application process, you should be aware that the law imposes a continuing duty on the inventor, the patent attorney, any assignee company, and anyone else who is substantially involved in the preparation or prosecution of the patent application. The duty is one of candor and good faith to disclose to the U.S. Patent and Trademark Office all information of which these people are aware which is material to the examination of the patent application. If the duty is not properly fulfilled, any patent issuing from the application may be found invalid.

We ask that you gather together and forward to us all documents, articles, videos, brochures, advertisements, etc. about devices, whether or not they were sold commercially, which were used or described in public by you or others, which have some reasonable similarity to your invention.

**Action Required: Submit all relevant documents and articles for potential submission to the PTO.**

Please return the executed papers to us in the enclosed Federal Express envelope. If the application should be revised in any way, or if you have any questions regarding this matter, please contact us.

Sincerely,



Daniel R. Miller

DRM:pc

Enclosures



**DECLARATION OF PAUL BRENT RIVERS**  
**UNDER 37 C.F.R. § 1.131**

Exhibit E

Copy of signed declaration for this application with my signature dated  
January 14, 2004.

**DECLARATION****INVENTORSHIP IDENTIFICATION**

As a below named inventor, I hereby declare that my residence, mailing address and citizenship are as stated below, next to my name. I believe that I am the original, first and sole inventor (*if only one name is listed below*) or an original, first and joint inventor (*if plural names are listed below*) of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

**WIRELESS DEVICE WITH INTEGRATED EMERGENCY ALERT NOTIFICATION****TITLE OF INVENTION****SPECIFICATION IDENTIFICATION**

the specification of which:

- (a) ☒ is attached hereto.
- (b) ☐ was filed on \_\_\_\_\_, as ☐ Serial No. \_\_\_\_\_  
☐ and was amended on \_\_\_\_\_ (*if applicable*).
- (c) ☐ was described and claimed in PCT International Application No. \_\_\_\_\_ filed on \_\_\_\_\_  
☐ and was amended on \_\_\_\_\_ (*if applicable*).

**ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56.

**PRIORITY CLAIMS UNDER 35 U.S.C. § 119(a)-(d)**  
(Prior Foreign/Pct Application(S) Filed Within 12 Months  
(6 Months For Design) Prior To This Application)

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate(s) or 365(a) of any PCT international application(s) which designated at least one country other than the United States of America, listed below and have also identified below any foreign application(s) for patent or inventor's certificate(s) or any PCT international application(s) having a filing date before that of the application(s) of which priority is claimed.

Application Number	Country or PCT	Date Of Filing (Day, Month, Year)	Priority not Claimed	Certified Copy Attached?
			<input type="checkbox"/>	<input type="checkbox"/> YES <input type="checkbox"/> NO



**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S) UNDER 35 U.S.C. § 119(e)**

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

Provisional Application Number	Filing Date

**CLAIM FOR BENEFIT OF EARLIER US/PCT APPLICATION(S) UNDER 35 U.S.C. 120**

(All Foreign Application(S), If Any, Filed More Than 12 Months  
(6 Months For Design) Prior To This U.S. Application)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or 365(c) PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56, which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application.

U.S Parent Application No.	PCT Parent Application No.	Date Of Filing (Day, Month, Year)	Parent Patent No. (If applicable)

**DECLARATION**

I hereby declare that my presentation of this paper constitutes a certification under 37 C.F.R § 10.18, which provides, in part, that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful statements may jeopardize the validity of the application and any patent issuing therefrom

## SIGNATURE(S)

<u>Darrick</u> (GIVEN NAME)	<u></u> (MIDDLE INITIAL OR NAME)	<u>Wright</u> FAMILY (OR LAST NAME)
Inventor's signature <u>Darr W Wright</u>		
Date <u>1-14-04</u>	Country of Citizenship <u>USA</u>	
Residence <u>Cullman, AL 35055</u>		
Mailing Address: <u>240 Scott Drive, Cullman, AL 35055</u>		

<u>Paul</u> (GIVEN NAME)	<u>Brent</u> (MIDDLE INITIAL OR NAME)	<u>Rivers</u> FAMILY (OR LAST NAME)
Inventor's signature <u>Paul Brent Rivers</u>		
Date <u>1-14-04</u>	Country of Citizenship <u>USA</u>	
Residence <u>Cullman, AL 35057</u>		
Mailing Address: <u>1886 County Road 255, Cullman, AL 35057</u>		

☐ Signature by administrator(trix), or legal representative for deceased or incapacitated inventor.

Number of pages added \_\_\_\_\_

☐ Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47. Number of pages added \_\_\_\_\_

☐ Added page for signature by one joint inventor on behalf of deceased inventor(s) where legal representative cannot be appointed in time. (37 CFR 1.47) Number of pages added \_\_\_\_\_

☐ Authorization of attorney(s) to accept and follow instructions from representative.

☒ This declaration ends with this page.